

## Message Text

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PAGE 01 BERLIN 05721 171343Z

42

ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-05 SAJ-01 SAM-01 OMB-01 TRSE-00 EB-07 /082 W

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R 171400Z MAY 75

FM AMEMBASSY BERLIN

TO SECSTATE WASHDC 827

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION USUN NEW YORK

USMISSION NATO

USBERLIN UNN

C O N F I D E N T I A L BERLIN 5721

E.O. 11652: GDS

TAGS: ELTN, PFOR, GE, FR, UK, UR, US, WB

SUBJECT: GDR ON STATUS OF BERLIN AND PROPOSAL FOR JOINT COMPANY  
TO OPERATE S-BAHN IN WEST BERLIN

REF: A) BONN 4170; B) USBERLIN 772

1. SUMMARY. DURING A MAY 15 CONVERSATION, A WELL-CONNECTED  
GDR SOURCE PROVIDED VIEWS ON THE NEW SOVIET NOTE TO THE UN  
REGARDING THE STATUS OF BERLIN AND ON THE GDR PROPOSAL FOR  
A JOINT COMPANY TO OPERATE THE S-BAHN IN WEST BERLIN.

END SUMMARY

2. AT THE OUTSET OF A LUNCHEON WITH AN EMBASSY OFFICER ON  
MAY 15, DR. WOLFGANT SEIFFERT, PROFESSOR FOR INTERNATIONAL  
ECONOMIC LAW AND COMPARATIVE LAW AT THE INSTITUTE FOR POLI-  
TICAL SCIENCE AND LAW AT BABELSBERG, REFERRED TO A NEW  
SOVIET NOTE TO THE UN THAT REFUTES ALLIED VIEWS (REF A),  
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PAGE 02 BERLIN 05721 171343Z

CONCERNING THE STATUS OF BERLIN. SEIFFERT ADDED, WITH

UNCONCEALED SATISFACTION, THAT THE THESIS JUST ADVANCED BY THE SOVIETS SUPPORTED HIS LONG-STANDING POSITION THAT WEST BERLIN IS NOT ON THE TERRITORY OF THE GDR BUT RATHER SURROUNDED BY THE GDR. HIS POSITION HAD HERETOFORE NOT BEEN UNIVERSALLY ACCEPTED WITHIN THE GDR, ACCORDING TO SEIFFERT, BUT IT NOW COULD BE, CONSIDERING THE AUTHORITATIVE SUPPORT IT HAD BEEN GIVEN. WHEN EMBASSY OFFICER INQUIRED AS TO THE CONTENTS OF THE SOVIET NOTE (THE FIRST PRESS REPORTS APPEARED IN WEST GERMAN PAPER ON MAY 16), SEIFFERT SAID THE SOVIETS MAINTAINED THAT THE ALLIES UNILATERALLY CUT OFF THE THREE WESTERN SECTORS FROM EAST BERLIN AND THE SURROUNDING AREA IN THE LATE 1940S. THE WESTERN ALLIES, BY EXTENDING THE WEST GERMAN CURRENCY REFORM TO AND BY ESTABLISHING A SEPARATE GOVERNMENT FOR THE WESTERN SECTORS, HAD IP SO FACTO RENOUNCED ANY RIGHTS THEY HAD PREVIOUSLY POSSESSED IN THE SOVIET SECTOR OF FOUR POWER GREATER BERLIN.

3. SEIFFERT OBSERVED THAT, ASIDE FROM THE LEGAL MERITS, HIS VIEW OF WEST BERLIN AS BEING SITUATED WITHIN THE GDR IS EASIER TO SQUARE WITH THE DE FACTO SITUATION IN THAT PART OF THE CITY THAN IS THE COMPETING THESIS. THE PRESENCE IN THE WESTERN SECTORS OF FOREIGN TROOPS, OFFICES OF A FOREIGN GOVERNMENT AND ACTIVITIES OVER WHICH THE GDR HAS NO CONTROL CAN BE RECONCILED WITH HIS POSITION, WHEREAS NO SELF-RESPECTING STATE, AND CERTAINLY NOT THE GDR, COULD COUNTENANCE SUCH THINGS OCCURRING ON ITS TERRITORY WITHOUT ITS PERMISSION.

4. THE FOREGOING DISCUSSION AND A SUBSEQUENT EXCHANGE REGARDING THE GDR ATTITUDE TOWARD COOPERATION AGREEMENTS AND JOINT VENTURES CAUSED SEIFFERT TO REFER TO THE GDR PROPOSAL FOR A JOINT COMPANY TO OPERATE THE S-BAHN IN WEST BERLIN (REF B). SEIFFERT SAID THAT THIS IDEA ORIGINATED WITH HIM AND WAS CONTAINED IN A LENGTHY STUDY HE RECENTLY CONCLUDED CONCERNING THE LEGAL STATUS OF THE S-BAHN IN WEST BERLIN. NOTING THAT THE GDR WAS PREPARED TO PARTICIPATE IN MIXED EQUITY AND JOINT MANAGEMENT VENTURES OUTSIDE ITS OWN TERRITORY, CONFIDENTIAL

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PAGE 03 BERLIN 05721 171343Z

SEIFFERT SAID THAT THIS WILLINGNESS EXTENDED TO WEST BERLIN NOTWITHSTANDING DIFFERENCES BETWEEN THE GDR AND THE WEST ON THE OWNERSHIP OF AND SOVEREIGNTY OVER S-BAHN PROPERTIES. SEIFFERT CLAIMED THAT THE GDR WAS MOST UNHAPPY OVER HAVING TO SUBSIDIZE A TRANSPORTATION SYSTEM FOR THE BENEFIT OF CITIZENS OTHER THAN ITS OWN AND ASSERTED THAT SUBSIDIES REQUIRED BY THE S-BAHN FOR ITS OPERATIONS IN WEST BERLIN SHOULD

BE BORNE BY THE SENAT RATHER THAN BY THE GDR. WHEN  
PRESSED, SEIFFERT SAID THE GDR COULD NOT SIMPLY DIS-  
CONTINUE UNPROFITABLE WEST BERLIN S-BAHN OPERATIONS  
BECAUSE TO DO SO WOULD ENTAIL AN UNACCEPTABLE LOSS OF  
PRESTIGE. SEIFFERT DISINGENUOUSLY CLAIMED THAT A PRO-  
POSAL ON SUCH A JOINT COMPANY MIGHT HAVE BEEN INCLUDED  
IN THE GDR'S OFFER OF LATE 1974 TO THE SENAT BUT ADDED  
THAT HE HAD NO KNOWLEDGE AS TO WHETHER THE GDR HAD, IN  
FACT, ADVANCED SUCH AN IDEA.

5. COMMENT: SEIFFERT'S REMARKS (MEMCON BEING POUCHED)  
STRIKE US AS INTERESTING FOR TWO REASONS. FIRST,  
IT WOULD APPEAR THAT THE SOVIETS CONSULT OR INFORM THE  
EAST GERMANS AT LEAST AS TO THE SUBSTANCE OF MAJOR PRO-  
NOUNCEMENTS REGARDING THE STATUS OF BERLIN PRIOR TO  
MAKING THEM PUBLIC. REGARDING THE PROPOSAL FOR A JOINT  
S-BAHN COMPANY, WE GATHER THAT THIS PROPOSAL IS A PET  
PROJECT OF SEIFFERT'S. HIS REASONS FOR DISCLAIMING  
CREDIT FOR ADVANCING THE IDEA AND FOR LYING ABOUT  
ITS BEING KNOWN TO THE SENAT (REF B) ARE DIFFICULT TO FATHOM;  
BUT AS USBER SUGGESTED IN REF B, IT IS APPARENT THAT  
THE GDR IS NOT MOTIVATED SOLELY BY FINANCIAL  
CONSIDERATIONS, ALTHOUGH WE BELIEVE THESE COULD BE  
UPPERMOST IN THE MINDS OF ITS PROPONENTS.COOPER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, BERLIN QUADRIpartite MATTERS, JOINT VENTURES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 MAY 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975BERLIN05721  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750174-0585  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 BONN 4170, 75 USBERLIN 772  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 19 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <19 MAY 2003 by CunninFX>; APPROVED <20 MAY 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GDR ON STATUS OF BERLIN AND PROPOSAL FOR JOINT COMPANY TO OPERATE S-BAHN IN WEST BERLIN  
**TAGS:** ELTN, PFOR, GC, FR, UK, UR, US, WB  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006